REMARKS

The present Amendment amends claim 34, cancels claims 22, 26, 29 and 32, leaves claims 33 and 34 unchanged, and adds new claims 35-38. Therefore, the present application has pending claims 24 and 33-38.

Applicants note that the March 7, 2005 Office Action was to sent the previous firm handling this application even though a Change of Correspondence Address form was filed on December 10, 2004. To correct this matter, Applicants filed a further Change of Correspondence Address form with an attached Power of Attorney on March 24, 2005 upon receipt of the Office Action from the other firm. The Power of Attorney shows that the undersigned is an Attorney of record of the present application and thereby can change the Correspondence Address. However, upon checking the PAIR System it is noted that as of yet, over 3 months later, the December 10, 2004 nor the March 24, 2005 Change of Correspondence Address forms have not been entered.

Therefore, Applicants hereby urge the Examiner to enter the previously filed Change of Correspondence Address forms so that all correspondence for the present application is directed and received at the current address of Applicants' chosen representative, the undersigned. Immediate entry of the previously filed Change of Correspondence Address forms would lessen the chances of delays in responding to any future Office Actions correspondence and mis-directed correspondence. An acknowledgement that the previously filed Change of Correspondence Address forms have been entered is respectfully requested.

An Information Disclosure Statement was filed on March 24, 2005. Consideration of said Information Disclosure Statement is respectfully requested.

Applicants acknowledge the Examiner's indication that claims 33 and 34 are allowed.

Claims 22, 26, 29 and 32 stand rejected under 35 USC §103(a) as being unpatentable over Poggio (EP Application No. 08-09221) in view of Tsurumi (U.S. Patent No. 5,689,081); and claim 24 stands rejected under 35 USC §103(a) as being unpatentable over Poggio and Tsurumi and further in view of Van Wie (U.S. Patent No. 5,943,422).

As indicated above, claims 22, 26, 29 and 32 were canceled. Therefore, the 35 USC §103(a) rejection of claims 22, 26, 29, and 32 as being unpatentable over Poggio in view of Tsurumi is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Amendments were made to claim 24 to make claim 24 depend on new claim 35. Therefore, the 35 USC §103(a) rejection of claim 24 as being unpatentable over Poggio and Tsurumi in view of Van Wie is no longer applicable and therefore is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Newly added claim 35 is directed to a digital content distribution method for distributing digital contents in a digital contents distribution system. Newly added claim 36 is directed to a digital contents distribution system, newly added claim 37 is directed to a storage medium storing a program for distributing digital contents in a digital contents distribution system and newly added claim 38 is directed to a

program file storing a program for distributing digital contents in a digital contents distribution system. Each of claims 36-38 recite features similar to that recited in claim 35. Therefore, the following is with respect to the features recited in claim 35 but applies to each of claims 36-38.

According to claim 35, the digital contents distribution system includes a content database center which stores digital contents, a plurality of distribution management centers connected to the content database center via a network, each of the distribution management centers having a storage and a plurality of vending devices each of which is connected with one of the distribution management centers via the network to sell digital contents stored in the content database center. According to the present invention as recited in claim 35, a three-layer structure is formed by the content database center, the distribution management center and the vending devices via the network.

According to the present invention as recited in claim 35, the content database center transmits digital contents to a vending device via a corresponding distribution management center connected with a particular vending device and the corresponding distribution management center saves the digital contents in its own storage device when the digital contents are transmitted from the content database center to the particular vending device.

In the present invention the particular vending device selects a digital content desired by a user in a response to user input. The particular vending device is installed at a corresponding store of a plurality of stores selling digital contents.

According to the present invention, if the selected digital content is not saved in the corresponding store, then the particular vending device generates a request for distribution of the selected digital content and sends the request to the corresponding distribution management center. Further, if the selected digital content is saved at the storage device of the corresponding distribution management center, then the corresponding distribution management center sends the selected digital content to the particular vending device.

If the selected digital content is not saved in the storage device of the corresponding distribution management center, then the corresponding distribution management center sends the request to the content database center, receives the selected digital content from the content database center, saves the selected digital content in its own storage and then sends the selected digital contents to the particular vending device. Thus, according to the present invention the particular vending device at the corresponding store can sell the selected digital content to the user.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record, particularly Poggio, Tsurumi and Van Wie, whether taken individually or in combination with each other as suggested by the Examiner in the Office Action.

Poggio discloses a virtual vending system and method for managing the digital licensing and rental of electronic data. Poggio teaches, for example, in Figs. 1 and 2, a distribution computer system 100 having client computers 120 each being connected to at least one server computer 212 through a network 202. As per

Poggio, the server 212 can, for example, be a virtual vending machine 122 which is used to manage the distribution of electronic data and components based on various licensing terms between the client computers and the vendors 102. As taught in Poggio, the virtual vending machine 122 includes a central processing unit 204, a memory 210, a user interface 206 and a communications interface 208 for communicating with the client computers 120 and the vendors 102 via the network 202. The memory 210 of the virtual vending machine 122 as taught by Poggio includes various elements such as, for example, a vending information database 110, a index of product information 108, library of vendor products 112, an index search engine 124, etc.

The features of the present invention as recited in the claims are not taught or suggested by Poggio. Particularly, at no point is there any teaching or suggestion in Poggio of the plurality of distribution management centers connected to the content database center via the network nor a three-layer structure formed by the content database center, the distribution management centers and the vending devices via the network as in the present invention as recited in the claims. Further, there is no teaching or suggestion in Poggio that the distribution management centers operate in a manner so that each retains a copy of recently requested digital contents so as to improve the response and service to vending devices which have requested particular digital content and lighten the load of the content database center.

Thus, according to the present invention as recited in the claims if a user wants to purchase a digital content but the digital content selected by the user is not saved in the store, the vending device at the store generates a request for

distribution of the selected digital content and sends the request to a corresponding distribution management center with which the vending device is connected. Further, according to the present invention, if the selected digital content digital content is saved in the storage device of the corresponding distribution management center, the corresponding distribution management center can immediately send the selected digital content to the vending device thereby saving time and improving efficiency. However, in the case where the selected digital content is not saved in the storage device of the corresponding distribution management center, the corresponding distribution management center sends the request to the content database center so as to receive the selected digital content from the content database center and then send the selected digital content to the vending device while saving the selected digital content in its own storage. These features of the present invention as described above improves service to the vending device and substantially reduces the load on the content database center. Such features are clearly not taught or suggested by Poggio nor is it possible.

Thus, Poggio fails to teach or suggest a plurality of distribution management centers connected with the content database center via a network wherein each of the distribution management centers has a storage device as recited in the claims.

Further, Poggio fails to teach or suggest that a plurality of vending device are provided each of which is connected with one of the distribution management center via the network to sell digital content stored in the content database center and that a three-layer structure is formed by the content database center, the distribution

management centers and the vending devices via the network as recited in the claims.

Still further, Poggio fails to teach or suggest that a particular vending device can select digital content desired by a user in response to a user input and that if the selected digital content is not saved in the corresponding store, the particular vending device generates a request for distribution of the selected digital content and sends the request to the corresponding distribution management center as recited in the claims.

Still further yet, Poggio fails to teach or suggest that if the selected digital content is saved in the storage device in the corresponding distribution management center, the corresponding distribution management center sends the selected digital content to the particular vending device as recited in the claims.

Even further still, Poggio fails to teach or suggest that if the selected digital content is not saved in the storage device of the corresponding distribution management center, the corresponding distribution management center, sends the request to the content database center, receives the selected digital content from the content database center, saves the selected digital content in its own storage, and the sends the selected digital content to the particular vending device as recited in the claims.

Therefore, as is clear from the above, Poggio fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

The above noted deficiencies of Poggio are not supplied by Tsurumi. Therefore, combining the teachings Poggio and Tsurumi in the manner suggested by

the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Tsurumi is directed to a music distribution system using a communication satellite. In Tsurumi, a center station, namely a contents server, distributes digital contents to terminal devices via the satellite. However, in Tsurumi only in a case where a terminal device fails to receive a digital content, the terminal device sends a request for retransmission of the digital content to the center station via a ground communication line. Thus, although Tsurumi's system may to some extent teach a three-layer structure including the center station, the satellite and the terminal devices, when a terminal device fails to receive a digital content, the digital content is always retransmitted from the center station not from the satellite. Thus, Tsurumi is entirely different from that of the present invention as recited in the claims. Therefore, in Tsurumi the load on the center station is not reduced and remains high.

Accordingly, Tsurumi is deficient of the very same features of the present invention as now more clearly recited in the claims as Poggio as shown above. Thus, the same arguments presented above with respect to the Poggio relative to the features of the present invention as now more clearly recited in the claims apply as well to Tsurumi. Therefore, the combination of Poggio and Tsurumi still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Van Wie teaches electronic stenographic techniques which can be used to encode a rights management control signal into an information signal carried over an insecure communications channel. Specifically, Van Wie teaches the use of error

correction techniques. However, Applicants invention as recited in claim 24 does not reside in error correction techniques. As is clear from the above, claim 24 was amended to now depend from new claim 35. New claim 35 as described above recite various features of the present invention regarding the use of a distribution management centers that reduce the load on the content database center not taught or suggested by Poggio and Tsurumi. These deficiencies of Poggio and Tsurumi are also evident in Van Wie since the only teaching relied upon and as such can be found in Van Wie is the error correction techniques.

Therefore, the combination of Poggio, Tsurumi and Van Wie still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Based on the above, Applicants submit that the features of the present invention as now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Therefore, reconsideration and withdrawal of the above described rejections and allowance of the application based upon claims 24 and 33-38 is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 22, 24, 26, 29 and 32.

In view of the foregoing amendments and remarks, applicants submit that claims 24 and 33-38 are in condition for allowance. Accordingly, early allowance of claims 22 and 33-38 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.38037CX1).

Respectfully submitted,

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